



Carmella Sabaugh

Macomb County
Clerk/Register of Deeds

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December 7, 2009

The Honorable Lesia Liss
Michigan State Representative
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Liss:

I support the bills to provide for online voter registration. To see a five-minute video demonstration of one way online voter registration could work, click <http://www.macombcountymi.gov/clerksoffice/VoterReg/index.html>. But this is just one way to do online voter registration and there are many other good ways to accomplish the result.

There are several policy reasons I feel now is the time for online voter registration:

- A Michigan citizen can pay taxes online, but a Michigan citizen cannot register to vote online. It's time to end online taxation without online representation!
- A Michigan citizen may register for the Selective Service online, to fight and die for his or her country, but a Michigan citizen cannot register to vote online.
- I believe there are overseas members of the military who are not registered to vote who would benefit from the speed and convenience of online voter registration.
- Reducing barriers to voter registration benefits everyone regardless of party.
- Unlike some other states with online voter registration, Michigan voters are not required to declare a party affiliation. The lack of party identification in online registrations would continue Michigan's tradition of voter registration not favoring one party over another.
- Other states successfully use online voter registration.
- The system will be less subject to fraud than the current paper voter registration system and could greatly reduce the influence of third-party groups, where there have been

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Fax-on-Demand
Michigan: 1-888-99-CLERK
Out-of-State: 310-575-5035

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problems in the past. With our online voter registration system there would be no need for third-party groups to handle the apps at all. And the system could provide a verifiable paper trail, with E-mail addresses for follow up.

- An online voter registration system would reduce the postage costs currently paid by the Secretary of State and county clerks who must routinely mail paper voter registration forms filed in their offices to the appropriate local clerk.

I prefer a legislative approach to online voter registration. But it is my opinion that elections officials already have the legal authority to accept online voter registrations. In Michigan, if a transaction can be done on paper, then the fact that it's done electronically is not a detriment. The Michigan Uniform Electronic Transactions Act says, **"If... a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if [it] is provided, sent, or delivered in an electronic record."** The UETA applies to, **"any electronic record or electronic signature created, generated, sent, communicated, received, or stored"** in **"transactions between parties each of which has agreed to conduct transactions by electronic means...A record or signature shall not be denied legal effect or enforceability solely because it is in electronic form"** and if **"a law requires a record ... a signature to be in writing, an electronic record satisfies the law."**

County clerks already accept binding transactions entirely electronically. The Michigan Attorney General issued an opinion in a case involving a clerk/register of deeds that counties have the authority to "send and accept... electronic signatures" and "governmental agency" includes county agencies.

The Michigan Court of Appeals interpreted the Michigan Uniform Electronic Transactions Act to uphold email correspondence as legally binding.

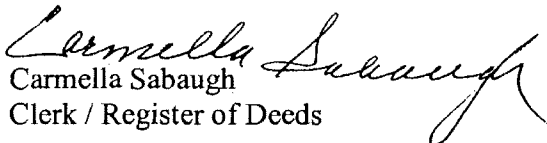
Although Michigan law already allows online voter registration, I feel the bills before you and the legislative process provide a better opportunity for everyone to provide input into the final online voter registration result.

I created a demonstration system that accepts voter registrations from any Michigan citizen regardless of where in the state they live or their party affiliation. You may try it by clicking <http://vbni.com/mivoter>. On the final "Registration Acknowledgment" screen, make sure to click, "View your application in pdf: State of Michigan Voter Registration Application"

The online form looks exactly like the Michigan Secretary of State's online web form, plus there is an area for applicants to draw their signatures on the form using their computer mouse. The system will have encrypted connections between the user and server and will actually be more secure than the current paper application method. We can collect E-mail addresses for fast follow up in cases where clarification is needed, unlike the current paper method where sometimes clarification is impossible. Any election official who wanted to participate would then print the paper forms and process them as we currently process paper voter registration application forms. Other than printing forms from E-mail instead of opening them in the U.S. Mail, local clerks would see no difference in the process.

Thank you for considering this important issue and for the work you do on behalf of Macomb County citizens!

Sincerely,


Carmella Sabaugh
Clerk / Register of Deeds